

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

Case No. 1:18-cv-00068

UNITED STATES OF AMERICA, *et al.*,

Defendants,

and

KARLA PEREZ, *et al.*,

STATE OF NEW JERSEY,

Defendant-Intervenors.

**DEFENDANTS' NOTICE OF FINAL
DACA RULE ISSUANCE [ECF No. 576]**

The Federal Defendants hereby submit this notice to inform the Court that the Department of Homeland Security (DHS) has issued a final rule governing Deferred Action for Childhood Arrivals, *see* <https://public-inspection.federalregister.gov/2022-18401.pdf>.

The rule rescinds the June 15, 2012 DACA memorandum and replaces it with regulations, adopted pursuant to notice and comment, that govern the availability of deferred action and employment authorization for certain noncitizens who came to the United States as children on or before June 15, 2007. *Id.* at 1. The provisions of the regulations are similar to the guidance regarding deferred action in the 2012 memorandum and the general regulations regarding employment authorization for persons with deferred action, including using the same criteria for determinations. *Id.* at 359-60. The rule will take effect on October 31, 2022, and will govern

deferred action and employment authorization for the specified population going forward, *see* <https://www.dhs.gov/news/2022/08/24/dhs-issues-regulation-preserve-and-fortify-daca>.

Pursuant to this Court’s order of July 16, 2021, however, the unstayed portion of the injunction under review in the Fifth Circuit Court of Appeals precludes DHS from granting initial requests for deferred action under the regulations, pending a further order of this Court, the Fifth Circuit, or the United States Supreme Court, *see* ECF No. 576 at 4. DACA renewals for DACA recipients who obtained that status on or before the date of the injunction, permitted under the stayed portion of the Court’s order, *id.*, will continue to be determined under the regulations—which, as stated above, use the same guidance regarding deferred action criteria as in the 2012 memorandum—and pursuant to DHS’s definition of “renewal” as previously explained to the Court, *see* ECF No. 578, Second Notice of Compliance, at 3.

Dated: August 24, 2022

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Respectfully submitted,

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